



*College of Arts and Sciences
Office of the Dean*

March 4, 2008

U. S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, DC 20555

RE: Reply to a Notice of Violation

To Whom It May Concern:

We are in receipt of your letter of February 12, 2008 (Docket No. 03019056) and Notice of Violation regarding license No. 06-09667-03. Corrective action is being taken and preventative measures have been implemented. Specific details follow.

A. Condition 17 of our license requires that we conduct a physical inventory every six months to account for all sources and/or devices received and possessed under the license. Specifically, one source (1 millicurie curium-244 sealed source) had not been inventoried since the last use over one year ago.

The RSO has verified that all the exempt sealed sources and the 1 millicurie curium-244 sealed source are all accounted for and properly stored in a locked and alarmed laboratory. In addition, the RSO has instituted an inventory requirement, which will be maintained by the NRC licensed Professor in the Physics Department. This step will close the inventory gap discovered during the NRC inspection of January 30, 2008. Inventory mechanisms do exist and are routinely maintained for all materials on the license, with the exception of sealed sources possessed in the Physics Department. This error arises from the incorrect belief that all the radioactive sealed sources used for instrument calibration were exempt materials in terms of license requirements. Indeed, all, except for one, are exempt. One, however, was mistakenly believed to be exempt, specifically a 1 millicurie curium-244 sealed source. This source and all the exempt sealed sources are now subject to inventory requirements. The professor in charge, or his designated substitute, will maintain the inventory records in the lab where the sources are contained within a sealed, lead canister. A log will be maintained to track the sealed sources when they leave the lab for calibration use and when they are returned to the storage canister. An inventory will be conducted at least every six months to verify log activities and to assure accountability for all sealed sources. A copy of the log and inventory will be sent to the RSO every six months.

B. Condition 16.B. of our license requires that sealed sources designed to primarily emit alpha particles be tested for leakage and/or contamination at intervals not to exceed

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3 months. Specifically, one source (1 millicurie curium-244 sealed source) designed to emit alpha particles had not been leak tested because of an incorrect belief that the source was exempt.

The RSO has instructed the NRC licensed professor in the Physics Department to immediately conduct a test of the 1 millicurie curium-244 sealed source for leakage and/or contamination. Results of the test will be filed in the lab where the sources are contained within a sealed, lead canister. A copy of the results will also be provided to the RSO. The same Professor has also been instructed to either test the 1 millicurie curium-244 sealed source for leakage and/or contamination at intervals not to exceed 3 months per condition 16.B. of the license or to follow license condition 16.E. which states that "Sealed sources need not be tested if they are in storage and are not being used; however, when they are removed from storage for use or transferred to another person and have not been tested within the required leak test interval, they shall be tested before use or transfer. No sealed source shall be stored for a period of more than 10 years without being tested for leakage and/or contamination.

We believe, based upon our actions stated above, that we have now come into full compliance with the conditions of our license. We hope that our corrective actions and plans to prevent recurrences meet with your satisfaction.

Sincerely,

A handwritten signature in black ink that reads "Raymond P. Poincelot". The signature is written in a cursive style with a large initial 'R' and 'P'.

Raymond P. Poincelot, Ph.D.
RSO and University Safety Officer
Interim Dean, College of Arts and Sciences

cc: Regional Administrator, Region 1
Bill Lucas
Orin Grossman
Jack Beal